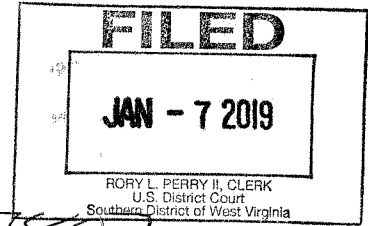


1-3-19

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA



Michael Allen Kenney 3557807

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:19-cv-21

(Number to be assigned by Court)

L.T. M.A. Burdette  
Saint Albans Police Department  
51 Sixth Ave Saint Albans  
WV 25177

(Enter above the full name of the defendant  
or defendants in this action)

**COMPLAINT**

**I. Previous Lawsuits**

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_

No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendants: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county);

\_\_\_\_\_

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3. Docket Number: \_\_\_\_\_

4. Name of judge to whom case was assigned:

\_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

\_\_\_\_\_

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6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

10

44-38860-1

Yes  No           

he

Yes \_\_\_\_\_ No ~~\_\_\_\_\_~~

2

in

Y

...

1990

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant: L.T. M-A. Burdette  
 is employed as: Police officer Saint Albans W.V.  
 at 51 Sixth Ave St Albans W.V. 25177
- D. Additional defendants: any officer that was  
involved
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Attached papers 1-7 are entered  
in claim see Added Complaint sheets  
1-7 for statements

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IV. Statement of Claim (continued):**

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**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

I'm Requesting compensatory damages in the  
amount of 80.000<sup>00</sup> eighty thousand Dollars  
against Defendant

I'm Requesting punitive damages in the  
amount of 60.000<sup>00</sup> sixty thousand  
Dollars against Defendant for Defendant  
to pay Plaintiff's cost of suit and Medical  
Bills and Lawyer Bills and any additional  
Relief this Honorable court deems Just  
and proper and equitable

**V. Relief (continued)):**

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**VII. Counsel**

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

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- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes ☒ No ☐

If so, state the name(s) and address(es) of each lawyer contacted:

Paul Strobel Law Travis Ellison Law  
Charles Hamilton Law Many others

If not, state your reasons: 

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- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes ☐ No ☒

1-3-19

If so, state the lawyer's name and address:

\_\_\_\_\_  
\_\_\_\_\_

Signed this 6 day of 28, 2018.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

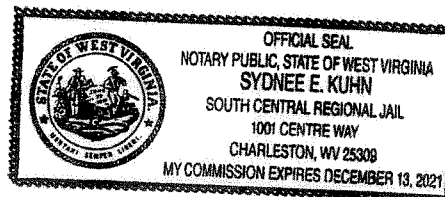
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6-28-18  
(Date)

*[Signature]*  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)

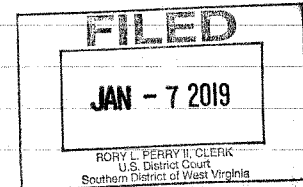


*Sydnee E. Kuhn*  
6-28-18

1-3-19

UNITED STATES DISTRICT  
COURT

Plaintiff  
Michael Allen Kenney #3557807



vs

Complaint  
Civil Action No  
2:19-cv-21

Defendant  
L.T. M.A. Burdette  
Saint Albans Police Department  
51 Sixth Ave Saint Albans  
WV 25177  
in Individually and in their  
official capacities

JURISDICTION

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of State Law, of rights secured by the Constitution of the U.S.C Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C Section 2201 and 2202. Plaintiff claims for injunctive relief are authorized by 28 USC section 2283 and 2284 and Rule 65 of the Federal Rules of Civil procedure.
2. The Southern district is an appropriate venue under 28 U.S.C Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.



P2.

## II Plaintiff.

3. Plaintiff Michael Allen Kenney #3557807 is and was at all times mentioned herein as a prisoner of the State of West Virginia in the custody of the State at South Central Regional Jail at 1001 Centre Way Charleston W.V. 25309

4. Defendant L.T. M.A. Burdette is a officer of the Saint Albans Police Department at 51 Sixth Ave Saint Albans W.V. 25177 who at all times mentioned in this complaint held the rank of L.T. officer and was assigned to the Saint Albans Police Department in Kanawha County West Virginia.

5. The Defendant is Sued individually and in His individule Capacity at all times mentioned in this complaint the Defendant acted under the color of State Law with personal involvement and indifference and violated my rights of the Constitution and Amendments of the united States.



## Facts

6. upon information and Beliefs

P3.

Melinda Cottrell Address 860 Sutherland Dr. Saint Albans W.V. 25177 was present on Jan 11 2017 and can testify to the incident of L.T. MA. Burdette of the Saint Albans Police Department's Behavior and assault and deliberate indifference to my medical needs and the violation of my rights

7. Please Refuse to and enter Exhibit A.

8. On or around Jan 11 2017 upon information and belief.

Police officer L.T. MA. Burdette of the Saint Albans Police at 51 Sixth Ave Saint Albans W.V. 25177.

Did assault me and neglected me and was negligent to my medical needs

9. I was in a car wreck on Dry Ridge in Saint Albans W.V. that left me severely injured

10. On Jan 11 2017 I was ordered By police officer L.T. MA. Burdette. to exit the vehicle and Lay on the Ground and I complied. He directed me to not move and remain on the Ground I did as directed. He came down the Hill at a fast run with a clenched closed fist and struck me in my face. as my head was firmly planted on the ground the pain was insupportable and unexpected for I was complying to his commands

p. 11

11. I was then Hand Cuffed placed under Arrest and pushed pulled and shoved up a Hill. Being Verbally Assaulted and threatened to Be Assaulted More. I was then thrown into a police car For 30 Minut's till the EMS Ambulance came to attend to my Head Injury and face and Neck Back Knee. I was taken From the police car. and Assisted down The Hill to the EMS where they Looked at me. washed my Head that Had a Laceration and Bleeding they wrapped my Head. and as I complained about Dizziness and a Head Ache. Back Pain among other's pains I was told you fine and Taken Back up the Hill to the police car placed in it with Melinda Cottrell we set there a Nother 20 Minut's Before we was taken to the police Department. for processing I complained to officers that I needed Help on many occasions But, I was told to Be quite. at the police Department I was placed in a cell for 20 Min and was in very Bad Pain. I Blacked out, and when I came to officers was telling me to Get up, where I Started to complain and Request Help again my Face and Head was on Fire my Back Hurt and I was Dizzie the officer chained me to the wall and left 15 min Later EMS showed up to transport me to the Hospital C A M C Genant

P5

upon arrival and after scan's test and Dionosges Havesse Latter it was Deturment my engerys were more suver Than first stated By EMS See Exhibits A.

This is all upon information and Beliefs

## IV. LEGAL COMPLAINT

12. Do to inadequate Law Library Here at South central Regional Jail 1001 Centre Way Charleston W.V. 25309 I'm unable to do any Legal Resurch at all they do not Have a Library at this point and Time. to assist me in my fighting this case. I'm Requesting Legal Assesstee at this Point,

## v. Legal claims

13. plaintiff reallege and incorporated by reference Paragraphs 1-12

14. THE Defendant Violated plaintiff's Rights Constitutional Amendments, to the United States Constitution for Crule and unusual Punishment, eighth and fourteenth Rights

15. The plaintiff Has NO plain adequate or complete remedy at Law to redress the wrong's described herein, plaintiff has Been and will continue to be irreparably injured by the conduct of the defendant

P6

unless the Honorable court grants  
declaratory

## VI Relief

16. WHEREFORE, plaintiff prays that this Honorable court enter a judgment granting plaintiff's relief.

17. A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution of Law of the United States

18. Requesting compensatory damages in the amount of ~~80,000.00~~ against the defendant

19. Punitive damages in the amount of 60,000.00 against the Defendant,

20. A jury trial on all issues triable by jury

21. Plaintiff's cost of this suit, and Medical Bills and Lawyer Bills

22. Any additional relief this Honorable Court deems just proper and equitable

Date 1-3-2019

☐ Return  
☒ Defendant  
☐ File  
☐ Plaintiff

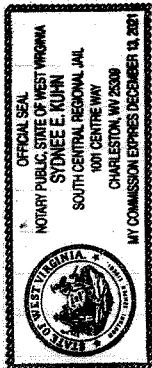
1-3-19

PT

## VERIFICATION

I Have read the Forgoing complaint and Hereby verify that the matter alleged Herein are true except as to matters alleged on information and Belief and as to those ~~on~~ I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at the united states District Court Southern District of Kanawha County West Virginia to the clerk of Courts Charleston District  
Date \_\_\_\_\_



Sydney E. Kuhn 6-28-18

RE Address  
Michael Allen Kenney #3557807  
South central Jail  
1001 centre way  
Charleston W.V.  
25309

Date - 6-28-2018

Respectfully  
Submitted  
Michael Kenney  
*Michael Kenney*

As plaintiff in the above action I wish to Have a jury trial  
*Michael Kenney*